IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Crl.Rev.Pet.No. 1186 of 2003()

CRA.93/2001 of V ADDL.SESSIONS COURT, ERNAKULAM
CC.515/1998 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI

.....

REVN. PETITIONER: APPELLANT/ACCUSED

E.G.ANTONY, S/O. JOHN,
EDAMUKKIL HOUSE, EAST MALIKAPURAM,
SOUTH CHELLANAM P.O., CHELLANAM VILLAGE,
KOCHI TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI.P.M.RAFIQ

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.4706/2003 IN CRL.R.P.NO.1186/2003

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

21/11/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Crl. R.P.No.1186 of 2003

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Dated this the 21st day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279 and 304A I.P.C and sentenced to pay a fine of Rs.1000/- and in default to undergo simple imprisonment for two months for the offence under Section 279 I.P.C. He is also sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.4,000/- with respect to the offence under Section 304A I.P.C and in default to undergo rigorous imprisonment for three months.

2. The prosecution case is that on 26/06/1998 the accused drove tempo trax bearing No.KL-4B-7749 through the Chellanam-Pandikudi road from south to north at about 4 p.m in a rash and negligent manner so as to endanger human life and hit on an eight year old boy who succumbed to the injuries at the spot itself.

3. The counsel for the revision petitioner has only sought for modification of sentence. It is submitted that almost 10 years have elapsed since the date of the incident and commencement of the proceedings and so far the accused was facing the criminal proceedings and has undergone considerable mental strain. It is also submitted that

the family of the revision petitioner/accused is solely dependent on his income for their livelihood. In the circumstances and considering the long lapse of time, the sentence imposed for the offence under Section 304A I.P.C is modified to imprisonment till the rising of the court and to pay a compensation of rupees thirty thousand to the legal representatives of the deceased and in default to undergo simple imprisonment for six months. The sentence imposed for the offence under Section 279 I.P.C is sustained. The revision petitioner is granted three months time to remit the compensation amount. The accused shall appear before the Judicial Magistrate of the First Class-II, Kochi, on 21/02/2008 to receive the sentence. The criminal revision petition is disposed of as above.

Sd/-

K.R.UDAYABHANU,
Judge

ms